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ACCESSIBLE SIDEWALKS—CIVIL RIGHTS ISSUE! CITY ATTORNEY EMBRACES DISABLED COMMUNITY'S FIGHT

SAN DIEGO WITHDRAWS SUPPORT OF SACRAMENTO'S LEGAL CHALLENGE

San Diego, CA: San Diego City Attorney Casey Gwinn announced that he is withdrawing the City of San Diego's support for Sacramento's appeal in the highly publicized federal court ruling in *Barden v. City of Sacramento*. Last June, the Ninth Circuit Court of appeals, in a landmark court decision, ruled that the Americans with Disabilities Act requires that public sidewalks are subject to accessibility regulations in Title II of the Act. Prior to the *Barden* decision, no federal court of appeal in the country had interpreted the ADA to treat sidewalks as a "service, program, or activity" under the ADA. The ADA requires a "service, program, or activity" to be accessible to the disabled. City Attorney Gwinn rejected any support for Sacramento and sided with the disabled community and their advocates. "This is a civil rights issue," said Gwinn. "Our City is committed to moving forward, step by step, to increase accessibility in our City for persons with disabilities. Too often we have ignored the needs of the disabled. Today, we are shoulder to shoulder with them in withdrawing our support for the City of Sacramento."

The National League of Cities and the California League of Cities have condemned the Ninth Circuit's ruling in the *Barden* case. Currently, Sacramento is seeking review of the *Barden* ruling in the United States Supreme Court. Cities across the country have expressed alarm at the potential taxpayer cost to immediately bring every sidewalk into full compliance with the ADA. The San Diego City Manager is currently analyzing such potential cost to the City of San Diego.

Gwinn said that if the United States Supreme Court agrees to hear the case, he will evaluate the "friend of the court" briefs to be filed in favor of the disabled community in deciding how best to advocate for greater

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services, greater funding, and increased accessibility for disabled in San Diego. "Finances have been and will be a concern as we move forward, but the City Attorney's Office will consistently advocate for all initiatives that can move us forward in expanding services to disabled San Diegans," said Gwinn.

San Diego City Councilmember Donna Frye supports the City Attorney's decision. "Our City Attorney has done the right thing for the right reasons by reversing the City's position . This not only helps our disabled community, but our elderly citizens, parents with children—our diverse community."

Casey Gwinn specifically thanked members of the disabled community in San Diego that spent time working with him to understand the issues. "I am learning, as we all should be, about the needs of the disabled community. We have a long, long way to go, but I hope this is one small step forward for our City," said City Attorney Casey Gwinn. Gwinn has now assigned Deputy City Attorney Claudia Silva to advise the city on accessibility laws.

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